THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.24577 of 2006

4th December 2006

Between:

B.Bhaktha Vijayam, S/o.Nicodamus, 64 years, Retd.as leading Fireman, Station Fire Office, Eluru, West Godavari District.

...PETITIONER

AND

1. The Principal Secretary to Government, Home (Prisons-A) Department, Government of Andhra Pradesh, A.P.Secretariat, Hyderabad.

And four others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.24577 of 2006

ORDER: (Per the Hon'ble Mr Justice Ramesh Ranganathan)

Heard both the sides and at their request, the Writ Petition itself is taken up for disposal at the admission stage.

Aggrieved by the inaction of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) in passing interim order in O.A.No.6925 of 2006, this Writ Petition is filed.

The petitioner herein is the applicant in O.A.No.6925 of 2006. The O.A. was filed questioning the proceedings, in G.O.Ms.234 Home (Prisons.A) Department dated 25.09.2006, as illegal, arbitrary and in violation of the A.P.C.S. (CC&A) Rules, 1991. G.O.Ms.234 Home (Prisons.A) Department dated 25.09.2006 was issued by the Government imposing on the petitioner herein the punishment of withholding of the entire pension permanently and ordering recovery of the amount of loss caused to the Government from

D.C.R.G.

Since withholding the entire pension permanently was as a measure of punishment, the Tribunal rightly declined to pass any interim order. We see no reason to do so in the present Writ Petition. The mere fact that the petitioner was being given provisional pension prior to imposition of punishment does not entitle him to claim the benefit during the pendency of the O.A., since it is well settled that Courts/Tribunals do not, normally, pass interim orders interdicting orders of punishment imposed pursuant to a departmental enquiry.

The submission of Sri P.Ramabrahmam, learned counsel for the petitioner, that since the petitioner is a retired public servant, aged about 64 years, the main O.A. should be heard and disposed of expeditiously, however, merits acceptance. The Tribunal shall dispose of the O.A. as expeditiously as possible.

Subject to the above, the Writ Petition is dismissed. However, in the circumstances, without costs.

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(B.PRAKASH RAO, J)

(RAMESH RANGANATHAN, J)

4th December 2006

Note: CC by one week
B/O
RRB